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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,454	01/30/2004	Richard Craig Beesley	038819.53225US	3942
23911 7590 10/15/2010 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300				
EXAMINER				
DINH, KHANH Q				
ART UNIT		PAPER NUMBER		
2451				
MAIL DATE		DELIVERY MODE		
10/15/2010		PAPER		

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RICHARD CRAIG BEESLEY,
RICHARD ANDREW BONNIFACE, RICHARD HARVEY DAY,
STUART WILLIAM JOHN DALEY, and BABY VASUDEVAN

Appeal 2010-000823¹
Application 10/767,454
Technology Center 2400

Before JOSEPH L. DIXON, JEAN R. HOMERE, and STEPHEN C. SIU,
Administrative Patent Judges.

HOMERE, *Administrative Patent Judge.*

DECISION ON APPEAL²

¹ Filed January 30, 2004. The real party in interest is Roke Manor Research LTD. (App. Br. 1.) An oral hearing was held in this appeal on October 13, 2010.

² The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

I. STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) (2002) from the Examiner's final rejection of claims 1-5 and 7-12. Claims 6 and 13-24 have been canceled. (App. Br. 2.) We have jurisdiction under 35 U.S.C. § 6(b) (2008).

We reverse.

Appellants' Invention

Appellants invented a method for allowing a client to use the existing web browser (3) residing on a publicly available terminal (1) to download a secure web browser (6) from a trusted server (5) via the Internet such that the downloaded web browser (6) is configured not to store on the terminal's hard drive (2) any data input or received by the client. (Fig. 2, spec. 11, ll. 4-18.)

Illustrative Claim

Independent claim 1 further illustrates the invention. It reads as follows:

1. A method of communicating over a public data network, the method comprising,

transmitting to a remote server on the network a request for web browsing software stored on the remote server to be downloaded to a terminal connected to the network;

receiving the web browsing software at the terminal; and

using the web browsing software which has been downloaded to the terminal to communicate from the terminal

over the public data network; wherein, at least one of the following is true:

the web browsing software is configured such that user input data, which is input to the web browsing software by a user of the terminal, is transmitted into the network without storing a record of said input data at the terminal; and

data which are received from the network at the terminal by the web browsing software, at the request of the user, are presented to the user without storing a record of the data at the terminal.

Prior Art Relied Upon

The Examiner relies on the following prior art as evidence of unpatentability:

Araujo	US 2003/0191799 A1	Oct. 9, 2003
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Rejection on Appeal

The Examiner rejects claims 1-5 and 7-12 under 35 U.S.C. § 102(b) as being anticipated by Araujo.

Appellants' Contentions

Appellants contend that Araujo does not teach using the terminal's browser to download from a server a trusted web browsing software configured not to store on the terminal's hard drive any data input or received by the terminal's user, as recited in independent claim 1. (App Br. 9-10.) According to Appellants, Araujo teaches a virtual office environment

wherein a terminal's browser is used to establish a secure connection with a trusted server to thereby download therefrom a desired software application. (*Id.* at 10.) However, Appellants emphasize that the downloaded application is not a web browsing software configured to not store a user's input or received data on the terminal's hard drive. (*Id.* at 11-12.)

Examiner's Findings and Conclusions

The Examiner finds that Araujo's disclosure of using a terminal's browser to download from a remote server to the terminal a web based access application including an HTML file for graphical display teaches a trusted web browsing software, as recited in independent claim 1. (Ans. 7.) Further, the Examiner finds that Araujo's failure to indicate that the downloaded web-based application is configured to store in the terminal's hard drive data received or input by the user implies that no such data is stored on the disclosed terminal, and thereby teaches the claimed limitation. (Ans. 8.)

II. ISSUE

Have Appellants shown that the Examiner erred in finding that Araujo teaches downloading to a terminal connected to a remote server via a public data network, a web browsing software configured to not store any data input or received by the terminal's user, on the terminal's hard drive, as recited in independent claim 1?

III. FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

1. As shown in Figure 1, Araujo discloses a virtual office user environment wherein a remote client (10) uses a resident browser (15) to establish a secure web-based access to a remote server (70) via the Internet (30) and a service enablement platform (SEP 200) on a virtual office server (40). (¶¶ 0061-0062.)

2. Once the user's terminal (10) is connected to the web server (70), the SEP (200) downloads a log-on menu (Fig. 15) onto the user's browser (15) in order for the user to input his log-in credentials. After the user is successfully logged in, the SEP (200) downloads onto the user's browser (15) a web page having a plurality of icons representing various application programs that the user can selectively access from his terminal. (¶ 0064.)

IV. ANALYSIS

Independent claim 1 requires, *inter alia*, downloading to a terminal connected to a remote server via a public data network a web browsing software configured to not store any data input or received by the terminal's user on the terminal's hard drive. (Br. 15, Claims App'x.)

As set forth in the Findings of Fact section, Araujo discloses that after a terminal having established a connection session with a remote server via the Internet, an SEP downloads onto the terminal's browser a webpage that displays icons representing application programs on the server that the user can selectively access. (FF, 2.) We find that Araujo's disclosure of downloading the webpage onto the terminal's basic web browser teaches, at best, providing the user with an interface having various icons depicting applications available for use, including perhaps another a web browsing software, which may be remotely launched. However, we agree with Appellants that the downloaded webpage is not a web browsing software since it is not a software application that provides access to the Internet. Rather, it is a particular website that can be accessed once the user has gained access to the Internet via a web browsing software. Further, even if the user could remotely launch a possible web browsing software included in the downloaded web page, such launch of the software would only be tantamount to remotely executing the software as opposed to downloading to the terminal's browser. Since Appellants have shown at least one error in the Examiner's rejection of claim 1, we need not address Appellants' other arguments. It therefore follows that Appellants have shown that the Examiner erred in finding that Araujo anticipates claim 1.

Since claims 2-5 and 7-12 recite the limitations of claim 1 discussed above, we find that Appellants have shown error in the Examiner's rejection of these claims for the same reasons set forth above.

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V. SUMMARY

Appellants have established that the Examiner erred in rejecting claims 1-5 and 7-12 under 35 U.S.C. § 102(b) as being anticipated by Araujo. We therefore affirm this rejection.

REVERSED

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